

EXHIBIT “H”

12/23/2015 WED 12:35 FAX 4098328886 CALVERT EAVES

0054/068

Respectfully submitted,

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By: 

Frank D. Calvert
State Bar No. 03667700
SD #4226

ATTORNEYS FOR DEFENDANTS,
CITY OF KIRBYVILLE, CHIEF PAUL
BRISTER, AND OFFICER JOSH HANCOCK
OF THE CITY OF KIRBYVILLE POLICE
DEPARTMENT, INDIVIDUALLY AND IN
THEIR OFFICIAL CAPACITIES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was
furnished to all counsel of record by:

XX By Telefacsimile

on this 23rd day of December, 2015.


Frank D. Calvert

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RESPONSE TO REQUEST FOR ADMISSIONS

REQUEST 1: The court has personal jurisdiction over all parties in this lawsuit.

RESPONSE:

Admitted

REQUEST 2: Plaintiff properly named Defendant in Plaintiff's Original Complaint.

RESPONSE:

Admitted name is correct name, otherwise Denied.

REQUEST 3: The document attached as Exhibit "A" is a genuine copy of that document.

RESPONSE:

OBJECTION: Defendant objects to this Request due to the fact it is vague and ambiguous. Additionally, there is no document attached to this request and therefore Defendant is unable to admit or deny this request and it is therefore denied.

REQUEST 4: Plaintiff properly and timely exhausted her administrative remedies.

RESPONSE:

Denied as worked

REQUEST 5: Plaintiff satisfied all legal prerequisites before filing this suit.

RESPONSE:

Denied as worded.

REQUEST 6: Decedent was arrested on May 14, 2012, by Chief Paul Brister and Officer Josh Hancock.

RESPONSE;

Denied.

REQUEST 7: Decedent was not intoxicated at the time of the arrest.

RESPONSE:

Admitted

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REQUEST 8: Decedent was injured during the course of the arrest.

RESPONSE:

It is admitted Decedent was struck with a flashlight on the head and had a small cut, otherwise denied.

REQUEST 9: Decedent was handcuffed at the time the injuries occurred.

RESPONSE:

Denied

REQUEST 10: Decedent was not offered medical attention for his injuries during detention.

RESPONSE:

Denied.

REQUEST 11: At the time of Decedent's arrest and detention Officer Josh Hancock was acting in his official capacity for City of Kirbyville Police Department.

RESPONSE:

Admitted.

REQUEST 12: At the time of Decedent's arrest and detention Officer Josh Hancock was acting under color of the laws of the State of Texas.

RESPONSE:

Admitted.

REQUEST 13: At the time of Decedent's arrest and detention Officer Josh Hancock followed the established policies and customs of the City of Kirbyville.

RESPONSE:

Admitted

REQUEST 14: Officer Josh Hancock has had a complaint filed against him for abuse of authority.

RESPONSE:

Denied.

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REQUEST 15: Officer Josh Hancock has had verbal complaints lobbied against him for abuse of authority.

RESPONSE:

Denied.

REQUEST 16: Officer Josh Hancock has had verbal complaints lobbied against him for excessive force.

RESPONSE:

Denied.

REQUEST 17: Officer Josh Hancock has had a lawsuit filed against him for abuse of authority.

RESPONSE:

Denied.

REQUEST 18: Officer Josh Hancock has had a complaint filed against him for excessive force.

RESPONSE:

Denied.

REQUEST 19: Officer Josh Hancock has had a lawsuit filed against him for excessive force.

RESPONSE:

Denied.

REQUEST 20: City of Kirbyville had a lawsuit filed against it related to the actions of Officer Josh Hancock.

RESPONSE:

Denied.

REQUEST 21: Officer Josh Hancock has had a complaint filed against him for failure to provide medical treatment.

RESPONSE:

Denied.

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REQUEST 22: Officer Josh Hancock has had a lawsuit filed against him for failure to provide medical treatment.

RESPONSE:

Denied.

REQUEST 23: Officer Josh Hancock drank alcohol before or during duty on the date decedent was arrested.

RESPONSE:

Denied.

REQUEST 24: Decedent did not commit a crime in your presence on May 14, 2013.

RESPONSE:

Denied.

REQUEST 25: Decedent was not told he was under arrest before the physical actions that resulted in Decedent's injury.

RESPONSE:

Denied.

REQUEST 26: Officer Josh Hancock drew his weapon during the arrest of Decedent.

RESPONSE:

Admitted for a short period of time, otherwise denied.

REQUEST 27: Decedent was in the custody of law-enforcement personnel on May 14, 2013.

RESPONSE:

OBJECTION: Defendant objects to this Request due to the fact it is overbroad, vague and ambiguous. Subject to the foregoing objection, it is admitted at a certain point in time, otherwise denied as worded.

REQUEST 28: City of Kirbyville conducted an investigation of Decedent's arrest, injury, and detention.

RESPONSE:

Denied.

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REQUEST 29: Photographs were taken at the site of Decedent's arrest on May 14, 2013.

RESPONSE:

Not to my knowledge.

REQUEST 30: Decedent suffered severe bodily injury during his arrest.

RESPONSE:

Denied.

REQUEST 31: Officer Josh Hancock did not find any deadly weapon on Decedent during the course of arrest and detention.

RESPONSE:

Admitted.

REQUEST 32: During the course of detention and arrest of Decedent Officer Josh Hancock placed his body weight on top of Decedent.

RESPONSE:

Denied as worded.

REQUEST 33: During the course of detention and arrest Officer Josh Hancock held Decedent's hands to the side of him while his body weight was on Decedent's torso.

RESPONSE:

Denied as worded.

REQUEST 34: Officer Josh Hancock has caused or contributed to the death of a suspect or criminal during the course of duty.

RESPONSE:

Denied.

REQUEST 35: Officer Josh Hancock has been involved on previous occasion(s) where a suspect, criminal, and/or convict has lost his life, while Hancock was performing his duties as an officer.

RESPONSE:

Denied.